

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHENITA L A THOMPSON,
Plaintiff,

v.

DS WATER,
Defendant.

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No. 3:14-CV-1951-P-BK

ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE


The United States Magistrate Judge made Findings, Conclusions, and a Recommendation (“FCR”) in this case. No one has filed any specific objections to the FCR.¹ The District Court has thus reviewed the proposed findings, conclusions and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that Plaintiff’s Title VII retaliation and discrimination claims be summarily **DISMISSED WITHOUT PREFUDICE** for failure to state a claim upon which relief can be granted. *See* 28 U.S.C. § 1915(e)(2)(B). However, Plaintiff is granted 14 days from the date of this Order to amend her complaint to state viable Title VII discrimination and/or retaliation claims, if she can. If she fails to do so, the Court will **DISMISS WITH PREJUDICE** this case, without further notice to Plaintiff.

¹Within the fourteen-day period for objections, Plaintiff did file additional attachments to her complaint. (See Doc. 15.) Even with the liberal construction given to pro se filings, there is no basis to construe the attachments as any objection to the FCR. And in any event, the attachments provide no basis to modify or reject the FCR even if the Court were to consider the attachments as some sort of non-specific objection.

The Court prospectively **CERTIFIES** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a)(3). In support of this certification, the Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions, and Recommendation. *See* Baugh v. Taylor, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Findings and Recommendation, the Court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983).² In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit. *See* Baugh, 117 F.3d at 202; FED. R. APP. P. 24(a)(5).

SO ORDERED this 29th day of Septembr, 2014.



JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE

² Federal Rule of Appellate Procedure 4(a) governs the time to appeal an order. A timely notice of appeal must be filed even if the district court certifies an appeal as not taken in good faith.